

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WAYSIDE CHURCH, an Illinois Not-For-Profit (Ecclesiastical) Corporation, individually and on behalf of a class of all others similarly situated, MYRON W. STAHL, individually and on behalf of a class of all others similarly situated and HENDERSON HODGENS, individually and on behalf of a class of all others similarly situated,

Plaintiffs,

v

VAN BUREN COUNTY, in its individual Michigan municipal capacity and on behalf of a class of all other Michigan counties similarly situated and KAREN MAKAY, in her individual official capacity as Treasurer of Van Buren County and on behalf of a class of all other Treasurers of Michigan Counties similarly situated,

Defendants.

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Case No. 1:14-cv-01274-PLM

Hon. Paul L. Maloney, Chief
Judge

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PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FR Civ P 56

NOW COME Plaintiffs, by and through their attorneys, and hereby bring their Motion Summary Judgment pursuant to FR Civ P 56 and, in support thereof, say:

1. There is no genuine dispute of material fact as to Defendants' liability to Plaintiffs as claimed by Plaintiffs in Counts I, II and III of their Complaint filed December 11, 2014.
2. The Plaintiffs are entitled to a judgment as a matter of law.
3. The record, taken as a whole, can not lead a trier of fact to find for the Defendants.
4. This Motion is based upon and supported by:
 - A. Plaintiffs' Complaint; and,
 - B. The facts stated or conceded in Defendants' pending Motion to Dismiss pursuant to FR Civ P 12(b)(1) & 12(b)(6), their Brief in Support thereof, Plaintiffs' Response thereto and their Brief in Support thereof; and,
 - C. Plaintiffs' Brief in Support of this Motion for Summary Judgment Pursuant to FR Civ P 56, attached hereto and incorporated herein by reference; and,
 - D. Plaintiffs' Statement of Material Facts Not in Dispute attached to their Brief in Support of this Motion.

WHEREFORE, Plaintiffs pray that this Honorable Court grant Summary Judgment in their favor upon the issue of Defendants' liability to them and issue its scheduling order setting this matter for further proceedings to determine the amount of damages Plaintiffs are entitled to recover from Defendants.

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Dated: February 6, 2015

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